

COURT UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

THE NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS PENSION  
FUND, ET AL.,

Index No. 08 CV 00387

Plaintiff(s)

against

JOHN WHYTE D/B/A KW CONSTRUCTION, INC. ET AL.,

Defendant(s)

AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)  
PETITION

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at RYE BROOK, NEW YORK

That on 1/16/08 at 7:20 P.M., at 225 MILLWOOD ROAD, CHAPPAQUA, NEW YORK

deponent served the within summons, ~~and complaint~~ JOHN WHYTE A.K.A. JOHN WHITE, defendant therein named,  
PETITION INDIVIDUALLY.

## INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

## CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

## SUITABLE AGE PERSON

3. ☒

by delivering thereat a true copy of each to NASHEEMA RAMJOHN (WIFE) a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

## AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILED ON: 1/18/08 AT 12:00 P.M.

MAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☒MAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at 225 MILLWOOD ROAD, CHAPPAQUA, NY 10514 and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1, 2, OR 3☒

<input type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input checked="" type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input checked="" type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE☒I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. ~~Recipient wore ordinary civilian clothes and no military uniform.~~ The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

1/18/07

IRVING BOTWINICK  
Notary Public, State of New York  
No. 01BO4657147  
Qualified in Rockland County  
Commission Expires Oct. 31, 2009

PRINT NAME BENEATH SIGNATURE  
JOHN DICANTIO

License No. 775208